

R

071.04

B95

g

Guy Carleton.

Lord Dorchester, 1724-1808

-

Burt

HAMILTON PUBLIC LIBRARY



3 2022 21292442 3

HAMILTON PUBLIC LIBRARY

REFERENCE COLLECTION

Copy 11

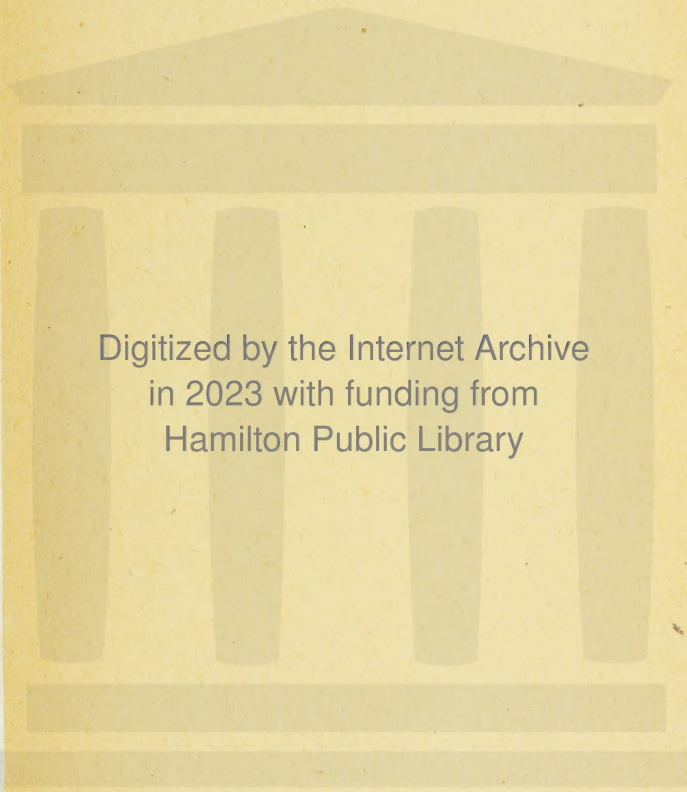
R971.04

Cana

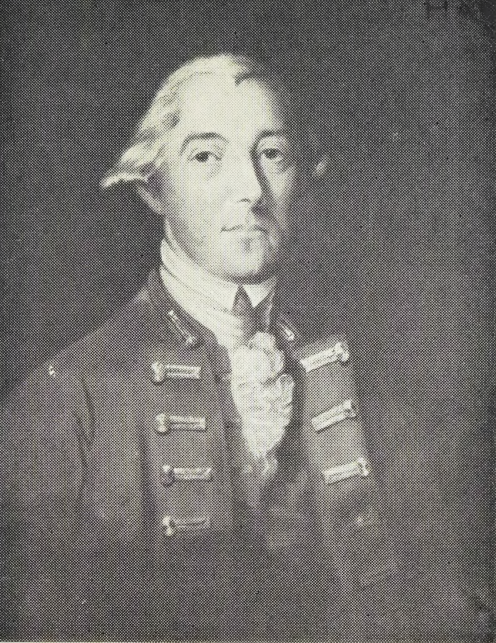
B95_g

FOR USE IN LIBRARY ONLY





Digitized by the Internet Archive
in 2023 with funding from
Hamilton Public Library



HAMILTON PUBLIC LIBRARY
AUG 22 1955

GUY
CARLETON,
Lord Dorchester,
1724 — 1808

Revised Version

BY
A. L. BURT

Guy Carleton

PUBLISHED BY

THE CANADIAN HISTORICAL ASSOCIATION

HISTORICAL BOOKLETS NO. 5

Price 25 cents

HAMILTON PUBLIC LIBRARY

CANADIAN HISTORICAL ASSOCIATION BOOKLETS

The Canadian Historical Association has planned this series of booklets to provide the general reader, the school teacher and the historical specialist with concise accounts of a number of special historical problems. They will be written by experts in their field and will include the results of the latest research. The series is planned to include topics on which teachers and others have expressed a desire for more information than is now available in general works and texts.

Booklets will be written in English or French according to the author's preference. When demand warrants it translations will be published.

The booklets are on sale to the public. Apply to the Treasurer, Canadian Historical Association, c/o Public Archives of Canada, Ottawa. Each member of the Association receives one copy of each booklet free. All booklets are distributed to members in the language in which they are first published; in the case of translations members may receive one copy free on demand. Price of booklets for general sale, 25 cents (30 cents post paid) or 20 cents each for bulk orders of ten copies or more.

The following booklets have been published so far:

- No. 1, C. P. Stacey, *The Undefended Border: The Myth and the Reality*.
- No. 2, G. F. G. Stanley, *Louis Riel: Patriot or Rebel?* (Translated under the title *Louis Riel: Patriote ou rebelle?*)
- No. 3, Guy Frégault, *La Société canadienne sous le régime français*. (Translated under the title *Canadian Society in the French Regime*).
- No. 4, W. S. MacNutt, *The Making of the Maritime Provinces, 1713-1784*.

General Editor, C. P. Stacey;

Assistant Editor, Stanley R. Mealing.

GUY CARLETON,

LORD DORCHESTER

1724 — 1808

REVISED VERSION

BY

A. L. BURT, M.A.

Professor of History, University of Minnesota

THE CANADIAN HISTORICAL ASSOCIATION BOOKLETS

NO. 5

OTTAWA, 1955

179
HAMILTON PUBLIC LIBRARY

The author of this booklet, Professor A. L. Burt, is a native of Listowel, Ontario, and a graduate of the University of Toronto. He studied at Oxford as a Rhodes Scholar and subsequently was a member of the Department of History at the University of Alberta and for some years its Head. Since 1930 he has been a Professor of History at the University of Minnesota. He is an ex-President of the Canadian Historical Association and the author of many books and articles, including, in addition to those mentioned in the Bibliographical Note, The Romance of the Prairie Provinces (Toronto, 1930).

The portrait of Lord Dorchester on the cover of the booklet is reproduced from a replica in the Public Archives of Canada of an oil portrait left by Dorchester in Quebec, later moved to Government House, Ottawa, and there destroyed by fire.

COPYRIGHT BY THE CANADIAN HISTORICAL ASSOCIATION
C/o PUBLIC ARCHIVES, OTTAWA, 1955.

PRINTED BY
THE TRIBUNE PRESS LIMITED
SACKVILLE, NEW BRUNSWICK
CANADA

Cop. 1 SEP 26 1955
HAMILTON PUBLIC LIBRARY

GUY CARLETON, LORD DORCHESTER

1724-1808

Revised Version

Guy Carleton's name has been writ large in Canadian history as the saviour and moulder of Canada during thirty of the most difficult and formative years in the beginning of the British regime. But he did not attain his highest renown until he had been in his grave for a century. The first biography of this Anglo-Irish Governor of Canada appeared in 1907 as one of the volumes in the Makers of Canada Series—A. G. Bradley's *Lord Dorchester*. It was a work of adoration by a popular writer, and it helped to set the fashion that other writers on this period of Canadian history followed with little question until the third decade of this century. Further research then began to reveal Carleton as more human and less divine.

The revision has been a slow and difficult task, partly because Lady Dorchester obeyed her husband's injunction to burn his collection of private papers on his death. His official correspondence and other records of him have been preserved, but they are voluminous and scattered. Moreover they have to be checked carefully because they are often contradictory, and a close examination of the conflicting evidence brings out the fact that in writing and speaking Carleton generally weighed his words to produce a calculated effect which was sometimes very misleading. The new findings have disclosed serious defects of character and of judgment that affected Canadian history, but they leave him still with a certain greatness that commands admiration.

THE MEAN SIDE OF CARLETON'S CHARACTER

Carleton's private life is not in question. We know practically nothing about it. What is important to students of Canadian history is his public life, and we cannot shut our eyes to defects of character that influenced his official conduct. He had a mean temper, and he would stop at nothing to cover up his mistakes. On the morrow of his arrival in 1766 and again on the eve of his departure in 1778, he was cornered for excluding certain Council members from regular Council meetings. Local politics may offer some extenuation for his excluding them, but only the grace of God could cover the sins he committed in cutting his way out. He ruthlessly struck down those who had caught him, and then he resorted to misrepresentation in his reports to the home government on what had happened. His first victims were Lieutenant-Colonel Irving who, as the senior officer in the colony, had been acting head of the government between the departure of

Governor Murray in June and the arrival of Carleton as lieutenant-governor in September, and Judge Adam Mabane of the Court of Common Pleas. (Carleton was not made governor until 1768, when Murray resigned.) Irving and Mabane ultimately recovered from the blow, though they were never officially vindicated. But Chief Justice Peter Livius, the victim in 1778, was a broken man in spite of the fact that the Privy Council upheld him and condemned Carleton's action against him.

More serious than the damage Carleton did to these individuals was the injury he did to the country. He crippled the Council, where there could be no real freedom of debate when such leading members were driven out for speaking out. He continued what he had repeatedly denounced — the iniquitous system by which public officials took fees instead of being salaried. Rather than face exposure by a motion of Livius on the exclusion of Council members, he suddenly terminated the legislative session just when the Council was all prepared to enact a reform of the fee system. His arbitrary removal of Livius from the Bench had worse consequences. Though the Chief Justice was ordered back to his post, a train of accidents detained him on the other side of the ocean when he was sadly needed in Quebec. There, without a head to guide them from 1778 to 1786, the well-meaning but incompetent amateur judges who presided over the courts dealt out a justice that was a byword in the land.

THE SHAPING OF A NEW CONSTITUTION

Though Carleton got off on the wrong foot when he first took over the government, he soon began to display the insight and the drive of a fine statesman. In his dispatches home he boldly attacked one of the most difficult problems in the history of the British Empire. That was how to fit this old French and Roman Catholic colony into what was then an English and Protestant empire. The British government had bungled it by proceeding on the assumption that Canada would easily conform to the traditional British colonial pattern with English laws and representative government. The introduction of English criminal law caused little trouble if only because it did not touch the mass of the people. But to substitute English for French civil law affected the whole population and was impracticable, because people regulate their affairs according to custom, which is unconsciously in harmony with their particular form of civil law. Moreover English law then denied Roman Catholics the right to vote or to hold any public office. For that reason Murray had refused to call an assembly, and now Carleton showed the same judgment.

With a few strokes of his vigorous pen Carleton tore away the naive supposition of 1763 that Canada could be treated like any other British colony of that day. "This country must, to the end of time, be peopled by the Canadian race, who have already taken such firm root, and got to so great a height, that any new

stock transplanted will be totally hid and imperceptible amongst them, except in the towns of Quebec and Montreal." Time has proved him right, for he was referring to what is now the Province of Quebec.

Having laid this new foundation for British policy to build upon — that the colony was bound to remain French in character — he proceeded to explain how it could be securely retained in the Empire. Again he was a bold seer. There was only one way to prevent its French character from being a strain on its British allegiance, particularly in that age when Britain and France were chronic foes; and that was to win the hearts of the Canadian people. Because they could not fit into the traditional British mould, the government of the country should be made to fit them. They should not be penalized for being Roman Catholics; their leaders should be offered posts under the government and commissions in the army; they should be protected in their religion beyond possibility of question; their civil laws and customs, to which they were deeply attached, should be carefully preserved; and every just grievance of which they complained should be swept away. Then the Canadians, though they would never become English, would grow into loyal British subjects.

All this meant a radical departure from established British policy, and reveals Carleton as a great pioneer and one of the outstanding statesmen in the history of the Empire. He it was who first formulated the principle of that liberty that is larger than English liberty and became vital to the later Empire — the British liberty of non-English people to retain their distinctive character. He was the father of the Quebec Act, which gave Canada a new constitution based on this principle.

CARLETON'S ERRORS OF JUDGMENT IN APPLYING THE QUEBEC ACT

In the practical application of the Quebec Act, Carleton made two fundamental errors that operated to defeat its purpose. One was his misconception of the nature of Canadian society. Although on various occasions he pointed out that the broad conditions of life on this continent made for democracy, he failed to see how these very conditions had produced in New France a society fundamentally different from that of old France.

This difference has often been missed, even in our own day, but it is easily explained. With liberty forever beckoning through the trees and up the rivers beside their cottages, the habitants could not be ridden by feudal lords. The competition of the Old World was turned upside down in the New World. Here it was between seigniors for tenants, not between peasants for the land of seigniors, and this inversion emptied feudalism of its substance, leaving it only a hollow shell. The habitants were devout Roman Catholics, but no slaves of the clergy. They absolutely refused to pay the tithe when a royal decree of 1663 introduced it at the same rate as in old France. Not until four years later, when the

demand was cut to less than half, were they willing to meet it; and even at this low rate it occasioned many local disputes with the clergy through the rest of the French régime. The freedom that permeated Canadian society also baffled the royal autocracy, giving rise to a genuine democracy in the institution of the captains of militia, the local agents of the government who were really elected by the people of each parish and were never seigniors.

Carleton could not help seeing the spirit of independence in the Canadian people, but he thought it was of recent origin, the product of lax British rule since the Conquest. He fondly imagined that the habitants had been hewers of wood and drawers of water for the seigniors and the clergy, and he sought to restore what had never existed in the country, a well-ordered society controlled through these leaders — who naturally fostered his illusion. The Quebec Act won the clergy by guaranteeing their rights to the property they held — except that of the religious orders — and to collect the tithe as of old. Some writers have asserted that the legal support thus given to the tithe offended the habitants, but this is very doubtful and there is abundant evidence that the Canadians as a whole were grateful to Protestant Britain for the legal security it gave to their beloved Church and for granting Catholic emancipation to them as a people. The seigniors were particularly delighted with Carleton's policy because he would make them what they had never been — the real lords of the land — and they were not discreet in their rejoicing at the prospect. This stirred uneasy feelings among the habitants, and they became more suspicious when they learned the nature of the new Council, to which Roman Catholics were now admitted by the Quebec Act. In addition to most of the members of the old Council and a few other Protestants, Carleton picked seven Roman Catholics to represent the interests of the Canadian people. All seven were seigniors and the majority of them belonged to the haughtiest of their class, the wearers of the Croix de St. Louis.

Carleton's other error dealt a serious wound to the loyalty of the small but important English-speaking mercantile minority. Here it is necessary to note, because it has frequently been ignored, a condition attached to the legal system laid down by the Quebec Act. That Act continued English criminal law and prescribed the old civil law of Canada (which differed in some respects from that of France) — subject to such changes as the Governor and Council might enact in Quebec. The government in London was particularly anxious to protect the mercantile community against the injury that an unqualified restoration of the old civil law would inflict upon them. Therefore the royal instructions specifically directed the Governor to consult the Council on how they might legislate to preserve the application of the laws of England for civil suits in which a natural-born subject was either plaintiff or defendant, and to preserve the right of habeas corpus as far as possible.

Carleton disobeyed these instructions and kept them secret. Why? He made no explanation that has yet been discovered, but there is ground for believing that he feared these concessions to the English-speaking merchants would offend Canadian susceptibilities and thus impair the main value of the new constitution. Be that as it may, the effect upon these Britons was tragic. They lost the right of habeas corpus, the right to have jury trials for civil (though not criminal) cases, and the right to have their suits determined by the only law with which they were familiar; and they were made to think that the home government intended to rob them of all these things which they regarded as their birth-right.

Carleton had convinced the British government that the new constitution would spread contentment on the shores of the St. Lawrence and consolidate Canada into a pillar of Empire. He was sure that if the American troubles came to a head the Canadians would rush to the colours and provide a strong force to uphold British authority on this continent. That was why, on receiving an appeal from Gage in September 1774, he did not hesitate to send away two of his four regiments to Boston. Carleton was living in a fool's paradise, and the awakening was at hand. The British mercantile minority, exasperated by their betrayal, welcomed the revolutionary agents from the south and helped them to get in touch with the habitants; and the habitants, neglected by the Governor and distrustful of his aristocratic policy, lent credulous ears to the propaganda that was poured into them. Then the rush of events turned the Governor's world upside down. Instead of Canada supporting the Empire in the hour of crisis, the Empire had to support Canada. Carleton had deceived the home government as well as himself.

THE AMERICAN INVASION OF CANADA

A common mistake of reputable writers even today is to refer to Carleton as Sir Guy before he was knighted. He received that honour in July 1776 for successfully withstanding the siege of Quebec, an achievement that now appears to have been very much overrated. A close study of the siege reveals that from beginning to end the odds were so heavily against the Americans that Carleton would have deserved to be court-martialled had he lost the place. It is also wrong to say, as many still do, that by saving Quebec he saved Canada for the Empire. If by some mischance Quebec had fallen, the powerful army that arrived from Britain in May 1776 was well able to blow out any force that the Americans could have placed in that city.

Carleton, however, deserves lasting honour for his flat refusal to let Colonel Guy Johnson, the superintendent of Indian Affairs, loose hordes of savages against the backs of the old colonies when they first rose in revolt. He should also be praised for something else. Of all who were entrusted with the conduct of affairs on

this continent, he stands out in the very beginning for his masterly insight into the military situation. The invasion of Canada might never have occurred and the American Revolution might have been nipped in the bud, had the British government acted upon the simple but penetrating advice that he tendered as early as February 1767. He then urged the erection of two great strongholds, one at New York and the other at Quebec, and the secure linking of these two by the restoration of the crumbling walls of Crown Point, Ticonderoga, and Fort George. This would have given British military power a stranglehold upon the old thirteen colonies. When hostilities commenced and the Americans invaded Canada, he again pressed his plan of cutting these colonies in two. In September 1775, when the invaders were held up by the resistance of the little garrison of St. Johns on the Richelieu, he wrote to the home government saying:

Whatever is our fate, I think that this war cannot be carried on more advantageously than from hence, and that a body of ten or twelve thousand men here, early next spring, completely equipped, with some frigates, might greatly change the face of things on this continent.

This appeal, followed by the news that St. Johns had surrendered and the invaders were closing in on Quebec, stirred London to do as Carleton wished. The expedition that relieved Quebec in May 1776 embodied Britain's main military effort for that year in America.

HOW CARLETON LET THE AMERICANS ESCAPE

When the Americans saw the first ship of the approaching fleet, they fled in panic from Quebec, though they had no idea that a mighty armament from Britain was sailing up the river. They ran too fast for Carleton to catch up with them; and finding they were no longer pursued, they halted their flight at Sorel and turned back to make a stand at Three Rivers. On approaching that place they ran into a trap that caught some and would have caught all had not Carleton strangely recalled a contingent that blocked their only door of escape.

Even then Carleton had all the Americans in the country at his mercy; for, still ignorant of his overwhelming strength, they were reluctant to abandon Sorel until sixty British vessels approached it. He ordered General Burgoyne with 4,000 troops to follow the Americans up the Richelieu but not to press them until he himself, with the main army, cut off their retreat by sailing up the St. Lawrence to Longueuil and marching across the narrow neck of land to Chambly. He was at Varennes, fourteen miles below Montreal, on the afternoon of Saturday, 15 June, and he could have reached his objective on Sunday while the Americans were still many miles below. Not until nightfall on Monday did they pass through Chambly, where they burned everything they could not take away with them. Tuesday morning Burgoyne

surveyed the embers while the Americans, twelve miles to the south, were embarking at St. Johns to escape up Lake Champlain. He arrived there a few hours later to see the last of the fugitives row out of musket range and to find that the Americans had destroyed all the shipping they had left behind. Carleton and his army did not arrive until the next day. If he had carried out his part of his own plan, he could have captured all the American forces in the country, and he could have seized all the shipping accumulated at St. Johns, which would have given him command of Lake Champlain.

Carleton thus threw away not only a resounding victory that was in his hands but also the means of following it up that year by striking south with the powerful force that was sent to him at his own request to cut the rebellious colonies in two. This blow, coming on top of the loss of their northern army, might easily have destroyed the Revolution before it had gathered headway, for the conditions that entangled Burgoyne in the following year had not yet developed. Carleton's rejection of what was within his grasp in 1776 led to Saratoga in 1777; that precipitated France into the war in 1778; and French sea power tipped the scales against Britain. For the United States the American invasion of Canada was a tactical failure, but it turned out to be a strategic victory because first it diverted the main military effort of Britain in 1776 from the centre to the periphery of the theatre of operations, and then Carleton prevented this effort from striking at the centre.

Why did this undoubtedly able general refrain from applying his own commanding strategy when he was supplied with the force to carry it out? It is a puzzling question. Apparently the statesman in him overruled the soldier. This is suggested by his generous treatment of the prisoners he took and by various passages in his letters of the time. In common with many other prominent Britons, he pitied the rebels as "deluded subjects" led astray by designing congressional leaders. He wanted to prove, as he said, that "the way of mercy is not yet shut", and to give "such testimonies . . . of the humanity and forbearance with which His Majesty's just resentment towards his revolted subjects is tempered as may serve effectually to counteract the dangerous designs of those desperate people whose fatal ascendancy over them has already conducted them to the brink of ruin". As the Declaration of Independence was still in the future, he may well have imagined that by letting them all go he was holding his hand from pushing them over the brink. He may also have thought that the blow which he ought to have struck then could be delivered just as effectively at a later date if his humanitarian calculations proved vain. Neither he nor anyone else could at that time see that the military opportunity he threw away was lost forever. Once again, after displaying remarkable vision, he innocently deceived both himself and the home government.

CARLETON AND GERMAIN

According to the traditional account of the famous quarrel between Carleton and Germain, the Secretary of State in London began it and the Governor was right on every count; but a close examination of all the confused facts has reversed this old judgment. Much unmerited abuse has been heaped upon Lord George Germain because, as Lord George Sackville, he had been officially court-martialled and popularly, though unjustly, branded as a coward for his strange behaviour at the Battle of Minden in 1759. Toward the end of 1775 he became Secretary of State; and when Carleton learned in May 1776 that he had to take orders from this man, the information seems to have galled him. His dispatches to Germain began by being querulous and soon became insolent. Distorting facts to suit his purpose, he falsely charged the Secretary of State with committing all sorts of blunders in the direction of affairs civil and military in Canada, from the appointment of judges, including Livius, to the immobilization of the big army that had been sent out. Carleton knew why this army had to lie idle all summer for lack of transportation over Lake Champlain, but he blamed the delay on Germain for not having sent the necessary boats with the convoy in the spring.

The perversity of the Governor's dispatches to the Secretary of State suggests a troubled conscience. Everything had been going wrong with him. He had promised that Canada would be a tower of strength but it had turned out to be a broken reed. He had held out hopes of striking a vital blow at the rebellious colonies if he were given the requisite force but he had held back from using it; and as the political mirage that distracted him from his military duty soon vanished, he must have been tortured by fear that he would be held to account for his own blunders. He hoped to repair his fault and to play a leading role on the American stage in 1777, only to find in the spring of that year that his chance had passed away, London having decided that he would not lead the expedition to the south. Carleton promptly took this decision as an insult, and resigned in a huff.

The King, who was so friendly to the Governor that he had interceded on his behalf in the previous winter when he feared that the Cabinet would recall him for his disappointing performance in 1776, later wrote: "Carleton was highly wrong in permitting his pen to convey such asperity to a Secretary of State and therefore has been removed from the government of Canada." The removal took the form of a ready acceptance of his resignation, which would have taken effect that year if heavy weather had not turned back the ship bearing Haldimand, the new Governor.

What prevented Carleton from commanding the army that was to strike south was simply a point of military etiquette that General Howe, the British commander in the rebellious colonies, had raised in a dispatch home on 7 June 1776, when he learned that Carleton was expected to cut down into New York and support him. This would be embarrassing because, though both

officers were of the same rank. Carleton was the senior. Therefore Germain wrote Carleton on 22 August 1776 congratulating him for having chased out the invaders and directing him to detach "Burgoyne or such other officer as you shall think most proper" to lead the forces that would come under the command of Howe. This letter, a studied and artful effort to save the feelings of the man to whom it was addressed, was carried by a ship that thrice entered the Gulf of St. Lawrence and had to turn back without being able to deliver it, so that Carleton knew nothing of his being superseded until the following spring. Then, bitter as was his disappointment, he gave every possible assistance to Burgoyne, who later testified that the Governor could not have displayed more zeal "had he been acting for himself or for his brother".

Some histories still repeat the exploded myth that Germain sent Burgoyne south to effect a junction with Howe moving north but forgot to tell Howe what he was supposed to do, with the result that he went off in the opposite direction and Burgoyne marched to disaster at Saratoga. The bare facts are as follows. The general conception of Burgoyne's campaign was Carleton's, not Germain's; and the details of the plan were the work of Burgoyne during the winter of 1776-77, which he spent in England. He was to make for "Albany and put himself under the command of Sir William Howe". Nothing was said about Howe's moving north. He was merely informed of what Burgoyne was expected to do. Howe was himself preparing to lead an expedition to the southward, and he received Germain's sanction for it. Though the Secretary of State has been blamed for not seeing the incompatibility between Howe's and Burgoyne's campaigns, Howe did not see it, nor Carleton, nor Burgoyne. Howe wrote Carleton that he would probably be in Pennsylvania when the army descended from Canada and therefore he would not be able "to communicate with the officer commanding it so soon as I could wish". Carleton gave this letter to Burgoyne before the latter set out from Montreal, and neither of them seems to have had any misgivings. The reason is obvious. The idea that Burgoyne was undertaking only half a campaign was inspired by his capitulation at Saratoga and had no official existence prior to that decisive event.

COMMANDER-IN-CHIEF IN AMERICA

Carleton left Canada in the summer of 1778 to settle down as a country gentleman in England. Though he was still in his middle 'fifties' and was admitted to be an able general he was excluded from military service for four years. This was only partly because of his notorious quarrel with Germain. In 1779 Lord North, George III's chief minister, lamented that no command had yet been found for Sir Guy, only to extract from the King the remark that it was difficult to find employment for him because of his strong dislike of Lord Amherst, the Commander-in-Chief of all His Majesty's forces. In December 1781, when casting about for a new American commander who had taken no

part in the struggle against the colonies, the King could think of no one better than Carleton, and he wrote Germain asking him to patch up his quarrel with Sir Guy through a friendly intermediary. The minister's reply intimated that no reconciliation was possible unless the man who had given the offence would take the first step to remove it. There the matter hung fire until Germain resigned from office for other reasons in February 1782.

Perhaps the happiest period of Carleton's public life opened almost immediately afterward, with his appointment as Commander-in-Chief and Commissioner to liquidate the war in America. For the role he then assumed and proudly sustained, his memory is still cherished. He was the father of the many Loyalists already huddled together in New York or still crowding in under the protection of his army. Entering into correspondence with Governor Parr in Halifax, Carleton prepared a place for them in Nova Scotia, and thither he began to send them as fast as he could, even before peace was signed. Then, as the treaty bound Britain to evacuate her troops "with all convenient speed", George Washington and the Continental Congress tried to insist on the letter of the bond, which would have exacted more than a pound of flesh. They demanded the immediate embarkation of the army in accordance with the treaty. But the British Commander-in-Chief would not sully the honour of his country by a betrayal of the remaining Loyalists to their vengeful foes. He would not budge until the last of the refugees had been shipped away. He told the Americans that they were themselves responsible for his delay because their continued ill-treatment of Loyalists was driving still more to seek shelter with him.

When all were gone and Carleton sailed home at the end of 1783, he did not cast off the role he had played in New York. As the patron of the new Loyalist settlements and the proconsul with the broadest knowledge of what was left of the Empire on this side of the water, he was consulted on various matters of colonial trade and government. An official memorandum prepared by the Secretary of State for the Prime Minister in August 1785 said that the Maritime Provinces' governments had "been officered pretty generally by his recommendation".

During these years, also, Carleton was borne up by a new and a grand vision caught in New York. There he fell in with a remarkable man, the last Chief Justice of the Province of New York, William Smith, from whom he learned how his frustrated ambition to be the saviour of the Empire might at last attain fulfilment. The consolidation of the remaining colonies under one government might not only salvage what was left of the American wreck but even exert such an attractive force as to recover some of what had been lost. Thenceforth the two men were bound together in intimate friendship until death parted them. Together they went to England where the soldier, whose advice the ministry sought, had the lawyer at his elbow to formulate this plan of imperial regeneration; and we have documents in Smith's own peculiar handwriting that show how he laboured over it.

LORD DORCHESTER AND ANOTHER NEW CONSTITUTION

When the Cabinet decided in August 1785 to adopt the policy of colonial consolidation and to send Carleton out as Governor General with extensive powers over all British possessions in America except the West Indies, it seemed that he was about to enter upon the crowning stage of his career. But disappointment soon set in for him, and it grew until his final retirement in 1796. He was not made Governor General, though he has often been referred to as such. Many writers use the phrase for this period, but there was no Governor General in British North America before Lord Durham.

After a winter's reflection the ministry decided to reduce the position that Sir Guy was to hold. He received a series of separate commissions, one as Governor of Quebec, another as Governor of Nova Scotia and its dependencies (Prince Edward Island — still called in those days the Island of St. John — and Cape Breton), and another as Governor of New Brunswick; but his gubernatorial authority was limited to one province at a time, that in which he was bodily present, for no change was made in the long-established principle that in the absence of a Governor his powers devolved upon the Lieutenant Governor. In August 1786 Carleton was elevated to the peerage as Baron Dorchester, and a month later he embarked, taking with him his faithful William Smith, for whom he had got the appointment as Chief Justice of Quebec in succession to the long-absent Livius.

The main task assigned to Dorchester was to work out a new constitutional system for the old Province of Quebec, from which London was being bombarded with conflicting petitions. Unforeseen conditions had shaken the foundation of the Quebec Act. Nearly six thousand Loyalists, almost all backwoods farmers from the adjoining interior of the old colonies, had trekked north and settled in the empty western part of the province, and relatives and friends whom they had left behind were now joining them. This rapidly growing English-speaking population, geographically separated from the French population, wanted English laws and a government of its own. In the older part of the country there was political uproar, the English party crying out for a reform of the laws and the establishment of an assembly, the French party stoutly defending the existing system, and both parties, for opposite reasons, fighting the western demand for a partition of the province. To make things more confused, the English party had a French tail, and the French party an English tail. The ministry did not know what to make of it all, and therefore looked to Dorchester for light and leading. He had solved the constitutional problem of the province once, and he was expected to do it again.

This time the problem baffled the Governor, and he had to admit it. His helplessness embarrassed the home government. The parliamentary Opposition, inspired by the advocates of change, pressed for the repeal of the Quebec Act, and on more than one occasion the ministry had to beg for a year's grace on the plea

that they were expecting full information from Dorchester at any time. As this never arrived, the impatient William Grenville, on taking charge of colonial affairs in the summer of 1789, shut himself up with all the pertinent papers he could gather, and worked out the problem for himself. He was the author of the new constitution of 1791, to which the Governor, though aided by the Chief Justice, contributed nothing of importance except the clauses on land tenure. Dorchester's fumbling shook the confidence that London had reposed in him. In the summer of 1790 the permanent undersecretary of state told Haldimand that the Governor, who was expected home on leave in the following spring, would probably never return to Quebec.

Of the disappointments that Dorchester suffered, the greatest was the defeat of his ambition to direct an imperial regeneration in America. The absorbing problem of Quebec, along with the influence of geography, prevented him from visiting the Maritime Provinces, so that he was never able to exercise his commissions to rule over them. But with the optimistic Smith at his side he clung to the hope of being made the directing head of a united British North America. In January 1790 he received from Grenville the first rough draft of the Constitutional Act for his comments, and in it he missed the provision that he and his friend had expected for the establishment of a general government over all the British North American colonies. Thereupon Smith drew up his well-known clauses to achieve this end, and Dorchester sent them home with a recommendation for their inclusion in the Bill; but the proffered addition was brushed aside in London, as was a later proposal of the Governor for reconsideration after the Act was passed. This double refusal was a crushing blow. Instead of rising to be lord of America, Dorchester sank to be merely Governor of Lower Canada; for the division of the old province, against his repeated advice, allowed Upper Canada to follow in the wake of the Maritime Provinces. He also resented the home government's rejection of his own nominee for the lieutenant-governorship of the new province, and on returning in 1793 after two years' leave in England he vented his spleen on Simcoe, the man it had appointed.

THE CRISIS IN THE INTERIOR

Dorchester's gravest worry was an ugly legacy of the late war. In negotiating peace with the United States Britain forgot her Indian allies, with the result that she signed away to the new Republic territory that she had guaranteed to these red men in a pre-Revolutionary treaty with them. They promptly accused the British of betraying them to their American enemies, who just as promptly declared that the Indians had forfeited all their lands for making war on the United States. To refute the charge of betrayal — the argument about the ill-treatment of Loyalists was an afterthought — the British garrisons were indefinitely retained in the Western Posts on the American side of the international boundary; and British traders were allowed to supply arms and

ammunition to the Indians, who continued to fight the Americans and hold their own against them until 1794. This British effort to keep faith with the Indians infuriated the Americans and threatened to rekindle the Anglo-American war, though both the British and the United States governments shrank from this prospect. About all that an embarrassed and distant London could do to control the explosive situation was to rely on the discretion of the British Commander-in-Chief in America, who was also the Governor of Quebec.

Like his predecessors Dorchester handled this delicate problem deftly — until almost the very end. Meanwhile he sought to extricate Britain with honour by repairing the original British fault. He persistently tried to mediate between the Indians and the Americans; but the latter would allow no outside interference, particularly by an interested party. He also conceived the ambitious design that London adopted in the spring of 1792, when he was home on leave, to get a new British treaty with the United States that would give full protection to the Indians by erecting their country into a neutral barrier state and binding both powers to respect its inviolability; but the American government would not listen to any such suggestion because it meant surrendering territory that belonged to the United States by the peace treaty of 1783.

The British retention of the Western Posts became an urgent question in 1793, when France unwittingly came to the rescue of her ally the United States by declaring war on Britain, and the Indians split over an American offer to recognize their title to all lands beyond a proposed line running through the disputed territory. Britain had never regarded the posts as worth a war; and now that her position in them was seriously compromised by the American offer and the Indian split, it became obvious that she would soon have to give up the posts or fight the United States as well as France. Before she agreed to withdraw her garrisons from American soil she came within a hair's breadth of being plunged into war with the United States by the perversity of her Commander-in-Chief on this continent.

Dorchester's judgment floundered and his temper grew more treacherous after the death in December 1793 of William Smith, his mentor since 1782. Two months after Smith died Dorchester received an Indian delegation in Quebec and made a fiery speech. Referring to his vain hope of playing the mediator, he said he had not been able to get a reply from the United States, and then he declared: "I shall not be surprised if we are at war with them in the course of the present year." He concluded with a menacing flourish: "I believe our patience is almost exhausted." His outburst was deliberate, for he had his words written down and circulated among the red men; and it administered a shock to white society. In Canada the common belief was that he would not have dared to utter such a bellicose speech unless the home government had put it in his mouth. His words screamed from the pages of the American press at the very time when American

opinion was wildly inflamed by recent news of the wholesale British seizure of American shipping in the West Indies for violating a British decree that forbade neutral trade with French colonies. Congress raged, but President Washington kept his head and the peace. In a desperate effort to avert war he rushed a special envoy, Chief Justice John Jay, off to England with wide powers to negotiate a settlement of the major issues, on land and sea, between Britain and the United States. The result was Jay's Treaty of 1794, by which Britain agreed to evacuate the posts in 1796.

Meanwhile Dorchester had added to his offence. On 17 February 1794, just a week after his mad speech, he issued a mad order. It directed Simcoe to send a force to build and hold a new post on American soil where an old one had been demolished years previously. This was Fort Miami or Miamis, a few miles from the present city of Toledo. Simcoe doubted the wisdom of this command from his superior officer and delayed its execution. The operation did not begin for another four weeks. The news of this fresh British "aggression" heaped fuel on the fire of American anger, but it came too late to hold back the dove of peace. It arrived a week after Jay had sailed.

London was blissfully ignorant of the storm raging on the western side of the Atlantic, and of what Dorchester had done to provoke it, until after the American emissary landed. Then the Secretary of State, Dundas, sent Dorchester a dispatch containing a mild but well-deserved rebuke for his irresponsible speech and order. Instead of admitting and regretting his fault, Dorchester peevishly tendered his resignation. This reply was addressed to Dundas but was delivered to his successor, the Duke of Portland, who politely put Dorchester in his place by telling him that he was not called upon to resign but rather to display a proper spirit on receiving just criticism from his superior. This was impossible for a man who would never admit that he had done wrong. Interpreting the reproof as unjust censure and a warning that he would be recalled to explain his conduct, he persisted in his demand for permission to retire; and Portland's continued politeness could not shake his determination. In November 1795 he wrote Portland complaining that London had undermined his authority beyond the limits of Lower Canada, and said: "All command civil and military, being thus disorganized and without remedy, your Grace, I hope, will excuse an anxiety for the arrival of my successor, who may have authority sufficient to restore order, lest this insubordination should extend to mutiny among the troops and sedition among the people." This letter crossed one bearing his release from public service — too late to be of use until the following year.

There is something pathetic about the proud and much disillusioned old man of seventy-two who embarked from Quebec in July 1796 to spend the last twelve years of his life on his estates in England. There he devoted himself to the breeding of horses, and it may be that he found more happiness in that than he had found in the governing of men.

BIBLIOGRAPHICAL NOTE

Only some of the many errors of fact and interpretation in A. G. Bradley, *Lord Dorchester* (Toronto, 1907) were corrected in the new edition (Toronto, 1926). This was partly because the publisher, insisting on using the plates of the original edition, confined revision to a limited number of notes at the end, and partly because the work of revision was then just getting under way. William Wood, *The Father of British Canada: A Chronicle of Carleton* (Toronto, 1916) idealized Carleton. Much new light on Carleton's Canadian career was thrown by a number of articles in the *Canadian Historical Review* from 1920 to 1930. For the period down to 1791 the student should consult A. L. Burt, *The Old Province of Quebec* (Minneapolis and Toronto, 1933), and for the crisis in the interior, A. L. Burt, *The United States, Great Britain, and British North America* (New Haven, 1940).

THE CANADIAN HISTORICAL ASSOCIATION MEMBERSHIP

The Association offers membership and joint membership as follows and at the rates quoted:

Life membership.....	\$65.00 or more
Membership: including the <i>Annual Report</i> and the historical booklets as published.....	\$ 3.00 per year
Membership: including subscription to the <i>Canadian Historical Review</i> or to the <i>Bulletin des Recherches Historiques</i>	\$ 6.00 per year
Membership: including both of the above noted periodicals	\$ 7.00 per year

JOINT MEMBERSHIPS

Arrangements have been made for a combined membership in the Association and in the Canadian Political Science Association at a reduced rate of \$10.00 per year. These combined memberships include subscriptions to both the *Canadian Historical Review* and the *Canadian Journal of Economics and Political Science*.

For information, address the Treasurer, Canadian Historical Association at the Public Archives, Ottawa, Canada.

